

APPEAL NO. 040246  
FILED MARCH 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 19, 2003. The hearing officer resolved the disputed issue by deciding that the compensable injury sustained on \_\_\_\_\_, does not extend to include a cervical injury at the C4-5, C5-6, and C6-7 levels of the cervical spine, and that appellant (claimant) did not have disability. Claimant appealed both determinations, arguing that the determinations are against the overwhelming evidence and should be reversed. Respondent (self-insured) responded, urging affirmance.

DECISION

We affirm.

On appeal, claimant essentially quarrels with the manner in which the hearing officer gave weight to the medical evidence. We have reviewed the complained-of determinations regarding extent of injury and disability and conclude that the issues involved fact questions for the hearing officer to resolve. There was conflicting medical evidence in the record. There was evidence in claimant's favor from claimant's neck surgeon, Dr. C, who said the fall probably aggravated the preexisting condition of bony overgrowth and osteophyte formation at C5-6. However, the hearing officer weighed the credibility of this report and the report of Dr. H and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**DW  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge